

## **REMARKS**

These Remarks are presented in response to the Office Action. Claims 1-27 are pending in this application.

Reconsideration of this application is respectfully requested in view of the following remarks. For the convenience and reference of the Examiner, the remarks of the Applicant are presented in the order in which the corresponding issues were raised in the Office Action.

### **I. General Considerations**

Applicant notes that the remarks presented herein have been made merely to clarify the claimed embodiments from elements purported by the Examiner to be taught by the cited references. Such remarks, or a lack of remarks, should not be construed as an acquiescence, on the part of the Applicant, as to the purported teachings or prior art status of the cited references, nor as to the characterization of the cited references advanced by the Examiner. Accordingly, Applicant reserves the right to challenge the purported teaching and prior art status of the cited references at any appropriate time.

### **II. Claim Rejections Under 35 U.S.C. § 102(e)**

Applicant respectfully notes that a claim is anticipated under 35 U.S.C. § 102(a), (b), or (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Further, the identical invention must be shown in as complete detail as is contained in the claim. Finally, the elements must be arranged as required by the claim. See Manual of Patent Examining Procedure ("M.P.E.P.") § 2131.

The Examiner has rejected claims 1-5 and 7-16 under 35 U.S.C. § 102(e)<sup>1</sup> as being anticipated by US 2003/0169507A1 to *Hashizume, et al.* ("*Hashizume*"). For at least the reasons outlined below, Applicant respectfully disagrees with the Examiner.

#### **a. claims 1-5, 7 and 8**

In the rejection of claim 1, the Examiner has stated that "*Hashizume et al* discloses, in Figures 4, 7, 10, and 11, a method of manufacturing optical components comprising: selecting a plurality of optical blocks (600A, includes blocks 611-618 and 600B, includes blocks 621-628) . . . wherein at least a portion

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<sup>1</sup> Because *Hashizume* is only citable under 35 U.S.C. § 102(e) Applicants do not admit that *Hashizume* is in fact prior art to the claimed invention but hereby reserve the right to swear behind *Hashizume* if necessary to remove it as a reference.

of the plurality of optical blocks (600A, includes blocks 611-618 and 600B, includes blocks 621-628) have thin films (RB and RR) disposed on at least one face (Sa and Sc).” As presently understood by Applicant, the Examiner has thus characterized elements 600A and 600B of *Hashizume* as corresponding to the claimed “optical blocks,” and has further characterized the “optical blocks” 600A and 600B as each comprising a respective group of “blocks” 611-618 and 621-628. In light of the characterization of *Hashizume* advanced by the Examiner, it is clear that *Hashizume* fails to anticipate claims 1-5 and 7-16.

For example, claim 1 requires that “at least a portion of the plurality of optical blocks have thin films disposed on at least one face.” As noted above, the Examiner has asserted that *Hashizume* discloses “at least a portion of the plurality of optical blocks (600A, includes blocks 611-618 and 600B, includes blocks 621-628) have thin films (RB and RR) disposed on at least one face (Sa and Sc) . . .” However, it is clear from the Figures cited by the Examiner, namely, Figures 4, 7, 10 and 11 of *Hashizume*, that the “thin films” RB and RR are not disposed on a face of “optical block,” as claim 1 requires. Instead, the “thin film” RB is located on a face of “block” 614 (see, e.g., Figure 6), and the “thin film” RR is located on a face of “block” 624 (see, e.g., Figure 9).

In addition, claim 1 requires “arranging the optical blocks . . . wherein an attachment face of each optical block is adjacent an attachment face of another optical block.” In contrast, the Examiner has not established that *Hashizume* discloses or suggests arranging the “optical blocks” 600A and 600B in the claimed manner. Nor has the Examiner established that *Hashizume* discloses “optical blocks” 600A and 600B that each include, as claim 1 requires, an “attachment face.”

Finally, claim 1 further requires “fusing the plurality of optical blocks together.” However, the Examiner has not established that *Hashizume* discloses or suggests a process involving the fusing of “optical blocks” 600A and 600B to each other.

As the foregoing discussion makes clear, Applicant submits that the Examiner has not established that the identical invention that is the subject of claims 1-5, 7 and 8 is shown in *Hashizume* in as complete detail as is contained in those claims, nor has the Examiner established that *Hashizume* teaches the arrangement of the elements that is required by those claims. For at least the reasons outlined herein, Applicant submits that the Examiner has failed to establish that *Hashizume* anticipates claims 1-5, 7 and 8. Accordingly, Applicant further respectfully submits that the rejection of claims 1-5, 7 and 8 under U.S.C. § 102(e) has been overcome and should be withdrawn.

**b. claims 9-16**

Claim 9, similar to claim 1, requires “a second optical block comprising . . . a second attachment face that is fused to the first attachment face [of a first optical block] . . .” As noted above in connection with the discussion of claim 1, the Examiner has not established that *Hashizume* teaches an optical component that includes optical blocks fused together as recited in claims 1 and 9.

Further, claim 9 also requires “a first thin-film on at least one face of the first optical block” and “a second thin-film on at least one face of the second optical block.” As noted in the discussion of claim 1 above, the Examiner has not established that *Hashizume* teaches the use of thin-films on optical blocks as recited in claims 1 and 9.

As the foregoing discussion makes clear, Applicant submits that the Examiner has not established that the identical invention that is the subject of claims 9, and corresponding dependent claims 10-16, is shown in *Hashizume* in as complete detail as is contained in those claims, nor has the Examiner established that *Hashizume* teaches the arrangement of the elements that required by those claims. For at least the reasons outlined herein, Applicant submits that the Examiner has failed to establish that *Hashizume* anticipates claims 9-16. Accordingly, Applicant further respectfully submits that the rejection of claims 9-16 under U.S.C. § 102(e) has been overcome and should be withdrawn.

**III. Claim Rejections Under 35 U.S.C. § 103(a)**

Applicant respectfully notes at the outset that in order to establish a *prima facie* case of obviousness, it is the burden of the Examiner to demonstrate that three criteria are met: first, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; second, there must be a reasonable expectation of success; and third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See* M.P.E.P. § 2143.

The Examiner has rejected claims 6 and 17-22 under 35 U.S.C. § 103(a) as being unpatentable over *Hashizume* as applied to claim 1, and further in view of US 6,167,171 to Grasis et al. (“*Grasis*”). As discussed below however, Applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness with respect to claims 6 and 17-22.

In particular, the Examiner has indicated that the obviousness rejection has as its foundation the characterization of *Hashizume* advanced by the Examiner in the anticipation rejection of claim 1.

However, it was noted above in the discussion of claim 1 that, in fact, the Examiner has failed to establish that *Hashizume* anticipates claim 1. Thus, insofar as the obviousness rejection of claims 6 and 17-22 relies on the inaccurate characterization of *Hashizume* advanced by the Examiner in connection with the anticipation rejection of claim 1, Applicant respectfully submits that the obviousness rejection lacks an adequate foundation and should accordingly be withdrawn.

**IV. Examination of Claims 23-27**

Applicant notes that the Examiner has not addressed pending claims 23-27 in the Office Action. If those claims have not been examined, Applicant respectfully requests examination of claims 23-27 of this application without further delay. If, on the other hand, claims 23-27 have been examined, Applicant respectfully requests that the Examiner provide Applicant with all pertinent information and details concerning such examination. In any event, Applicant submits that claims 23-27 are presently in allowable condition, for at least the reasons outlined herein.

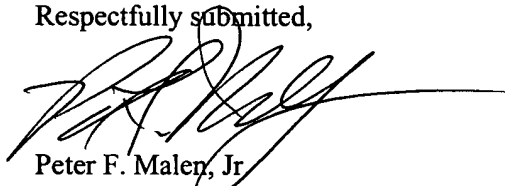
Application No. 10/724,428  
Docket No. 15436.134.1  
Reply to Office Action mailed November 24, 2004

### CONCLUSION

In view of the remarks submitted herein, Applicant respectfully submits that each of the pending claims 1-27 is now in condition for allowance. Therefore, reconsideration of the rejections is requested and allowance of those claims is respectfully solicited. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

Dated this 3<sup>RD</sup> day of May, 2005.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'P. F. Malen, Jr.', with a long horizontal line extending to the right.

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